

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

ANDRADE,

Defendant.

Case No. [4:15-cr-00547-JD-4](#)

**ORDER RE REDUCTION OF
SENTENCE**


Defendant Manuel Lara Andrade is serving a 140-month federal prison sentence after pleading guilty to one count of conspiracy to possess with intent to distribute, and distribution of, controlled substances, including cocaine and methamphetamine. Dkt. No. 493. He filed pro se a request to reduce his sentence based on Part B, Subpart 1 of Amendment 821 to the Sentencing Guidelines. Dkt. No. 670. The Office of the Federal Public Defender filed a notice of appearance as counsel for Andrade, Dkt. No. 673, and filed a reply in support of Andrade's motion for a sentence reduction. Dkt. No. 685.

The request is denied. Part B, Subpart 1 to Amendment 821 to the Sentencing Guidelines provides a two-level reduction to offenders with zero criminal history points. USSG § 4C1.1. Defendants may receive the reduction only if they "did not possess, receive, purchase, transport, transfer, sell, or otherwise dispose of a firearm or other dangerous weapon . . . in connection with the offense." *Id.* Andrade's guilty plea admitted to possession of several firearms, including an AK-47 rifle. Dkt. No. 310 ¶¶ 2, 11. The pre-sentence report and the sentence reduction investigation report, prepared by the United States Probation Office, also state that Andrade

possessed multiple firearms in connection with his offense. Dkt. No. 407 ¶ 44; Dkt. No. 684 at 1.
He is ineligible for the two-level adjustment.

IT IS SO ORDERED.

Dated: August 5, 2024



JAMES DONATO
United States District Judge

United States District Court
Northern District of California